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FISCAL IMPACT REPORT

SPONSOR Moore **DATE TYPED** 2/28/05 **HB** 275/aHEC/aHJC

SHORT TITLE Prohibit Alcohol On School Premises **SB** _____

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	None				

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Department of the Public Defender (PDD)
 Corrections Department (CD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment strikes the HEC amendment in its entirety and adds language to clarify that a facility on which public school-related activities occur are either owned or leased by the school district.

Synopsis of HEC Amendment

The House Education Committee Amendment adds language to clarify that a facility on which public school-related activities occur are owned by the school district.

Synopsis of Original Bill

House Bill 275 enacts the School Alcohol-Free Zone Act making it unlawful to possess or consume alcoholic beverages on public school grounds. A person's first conviction would constitute a petty misdemeanor resulting in a fine between twenty-five and one hundred dollars and community service. A subsequent conviction would constitute a full misdemeanor resulting in a fine of not more than five hundred dollars and/or a term of imprisonment not to exceed six months.

Schools are required to post notice.

Significant Issues

The PED reports HB 275 does not address minors consuming or possessing alcohol on school property since a minor can only be prosecuted and found delinquent for offenses contained in the Children's Code. Pursuant to Section 32A-2-3 (A)(2), NMSA 1978, possession of alcohol by a minor already is a delinquent act.

PERFORMANCE IMPLICATIONS

HB 275 is in alignment with the Public School Facilities Authority mission to assist school districts with maintaining appropriate physical environments to foster successful student learning.

HB 275 is in line with the Governor's Initiative to promote healthy students.

FISCAL IMPLICATIONS

The PED says it cannot determine how many signs a school must conspicuously post to satisfy the bill, therefore it cannot estimate costs.

The PDD and CD report any increased costs can be absorbed.

ADMINISTRATIVE IMPLICATIONS

The PDD and CD report any additional administrative burden can be absorbed.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 389, Prohibit Smoking In Jails and Schools and HB 354, Prohibit Smoking In Certain Areas, also require cautionary signage posted on school property.

TECHNICAL ISSUES

The PED says if the intent of HB 275 is to criminalize minors who possess or consume alcohol on school property, then the Children's Code will have to be amended.

Amendment suggested under DEFINITIONS, adding a "person" being an adult of legal age to consume alcoholic beverages in the state of New Mexico.

OTHER SUBSTANTIVE ISSUES

NMSA 1978, Section 22-5-4.4, requires school district employees report drug and alcohol abuse to the local district pursuant to its policies. Section 6.11.2.9 New Mexico Administrative Code, urges school districts adopt policies that regulate "use of controlled substances, alcohol and tobacco in the public schools."

ALTERNATIVES

The PED says if the intent of HB 275 is to deter children from drinking alcohol, there are alternatives to criminalizing behavior such as programs that emphasize the risks and causes of substance abuse. There are federal grants and intervention programs that emphasize the targeting of youthful offenders who consume prohibited substances.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

It will still be a delinquent offense for a minor to possess or consume alcohol.

ANA/yr:lg